

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:18-cv-00209-MR-WCM**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER OF DEFAULT</u></b>
	)	<b><u>JUDGMENT OF FORFEITURE</u></b>
<b>APPROXIMATELY \$14,653.66 IN</b>	)	
<b>UNITED STATES CURRENCY</b>	)	
<b>SEIZED FROM DARIN TREY</b>	)	
<b>OLIVER</b>	)	

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**THIS MATTER** is before the Court on the Government's Motion for Default Judgment of Forfeiture pursuant to Fed. R. Civ. P. 55(b)(2) [Doc. 13].

By the present motion, the Government requests that the Court enter a Default Judgment of Forfeiture as to all persons and entities with respect to the \$14,653.66 in U.S. Currency (the "Defendant Currency") named in the Complaint.

On July 24, 2018, the Government filed a Verified Complaint (the "Complaint") for Forfeiture *In Rem*, alleging that the property identified in the Complaint, i.e., approximately \$14,653.66 in United States currency seized from Darin Trey Oliver, is subject to civil forfeiture under 21 U.S.C. § 881(a)(6). [Doc. 1]. The day after the Complaint was filed, the Clerk issued a Warrant of Arrest *In Rem* for the Defendant property. [Doc. 2].

The Government thereafter provided direct notice of this action to Michael Marin, Darin Trey Oliver, and Oliver's attorney, Fredilyn Sison,<sup>1</sup> by mailing them a copy of the Complaint. The Government also served a copy of the Notice, the Complaint, and the Warrant for Arrest *In Rem* to Michael Marin and Darin Trey Oliver. Additionally, the Government provided notice by publication as to all persons with potential claims to the Defendant property by publishing notice via [www.forfeiture.gov](http://www.forfeiture.gov) from July 30, 2018, until August 28, 2018. [Doc. 6].

On September 17, 2018, Murphy First Baptist Church ("Murphy") filed a claim to the Defendant property. [Doc. 4]. No other individuals or entities have made a claim to the Defendant property. On October 17, 2018, the Government moved to strike Murphy's claim. [Docs. 7, 8]. On November 7, 2018, this Court provided thirty (30) days for Murphy to file a notice of appearance of counsel and to file an answer or otherwise respond to the Complaint. [Doc. 9]. No such notice, Answer or response was filed by Murphy. Accordingly, on December 12, 2018, this Court issued an Order striking Murphy's claim. [Doc. 10].

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<sup>1</sup> At that time, Fredilyn Sison was Darin Trey Oliver's counsel of record in Mr. Oliver's related criminal case, WDNC Case No. 1:18-cr-00040-MR-WCM.

On January 24, 2019, pursuant to Fed. R. Civ. P. 55(a), the Government filed a motion for entry of default [Doc. 11], and the Clerk entered default that same day [Doc. 12].

No other potential claimant has timely filed a proper claim or otherwise answered. After review, the Court finds that the Government has established that the entry of a default judgment is appropriate.

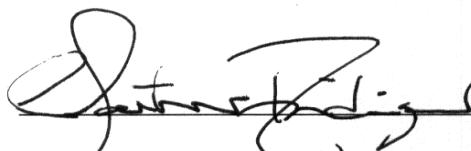
Accordingly, **IT IS, THEREFORE, ORDERED** that The Government's Motion for Default Judgment of Forfeiture [Doc. 13] is hereby **GRANTED**, and judgment is entered in favor of the United States against all persons and entities with respect to the \$14,653.66 in U.S. Currency.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that any right, title and interest of all persons and entities to the \$14,653.66 in U.S. Currency is hereby forfeited to the United States, and no other right, title, or interest shall exist therein.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the United States Marshal is hereby directed to dispose of the \$14,653.66 in U.S. Currency as provided by law.

Signed: February 4, 2019

**IT IS SO ORDERED.**

  
Martin Reidinger  
United States District Judge

